

DIST/OFFICE	DOCKET		FILING DATE			J	N/S	O	R	R 23	\$	DEMAND OTHER	JUDGE	JURY	DOCKET		
	YR.	NUMBER	MO.	DAY	YEAR								NUMBER	DEM.	YR.	NUMBER	
1085/4	76	0108	03	10	76	4	110	2	12		21		8510		P	76	0108-C

PLAINTIFFS

DEFENDANTS

David E. GADIENT

NEW YORK LIFE INSURANCE COMPANY

CAUSE

Action claiming benefits for disability under group policy.

ATTORNEYS

John R. Elrod  
115 North Broadway  
P. O. Drawer 480  
Siloam Springs, Arkansas 72761

Sidney G. Dunagan  
Charles C. Baker  
Richard W. Gable and  
Elsie Draper  
2010 Fourth Natl. Bank Bldg.  
Tulsa 74119 (582-9201)

Hall, Sublett & McCormick  
Stephen L. Andrew  
905 National Bank of Tulsa Bldg.  
Tulsa, OK 74103 582-8815

<input type="checkbox"/> CHECK HERE IF CASE WAS FILED IN FORMA PAUPERIS	FILING FEES PAID			STATISTICAL CARDS	
	DATE	RECEIPT NUMBER	C.D. NUMBER	CARD	DATE MAILED
				JS-5	4-1-76
				JS-6	2-1-77

DATE	NR.	PROCEEDINGS
3-10-76	1.	Petition for removal from D. C. Delaware Cty, Okla., filed. rm
3-10-76	2.	Bond for removal (\$500 surety), filed. rm
3-10-76	3.	Affidavit of filing petition for removal in state court, filed. rm
3-10-76	4.	Notice of removal, filed. rm
3-12-76	5.	Motion for Enlargement of Time to Ans of Deft., filed. t
3-12-76	6.	Order Granting Mot. for Enlargement of Time to Ans., filed. t
3-26-76	7.	Answer of deft., filed. ph
4-7	MO:	Case set for PT hearing Thurs., June 10, 1976, at 4:00 P.M. (HDC-J)ph
5-13	8.	Demand for trial by jury of pltf., filed. rm
5-13	9.	Entry of appearance of Hall, Sublett & McCormick to represent pltf., filed. ph
5-21	10.	Pltf's requests for admissions, filed. hm
5-21	11.	Pltf's interrog. propounded to deft., filed. hm
6-9	--	Deposition of David Edward Gadiant, taken on behalf of deft. on 6-2-76 at Tulsa, OK. (E.E. Rutherford-CSR)ph (\$114.00 pd by deft.)
6-10	MO:	Pre-trial hearing held. Statements made. PT conference memorandum filed in open court. Parties announce discovery to be complete within 1½ months. Pltf. to prepare PT order by 7-23-76. Case set for jury trial 9-20-76 at 9:30 a.m. Trial briefs & requested instr. to be filed by 9-10-76. (HDC-J)hm
6-10	12.	Pre-trial conference memorandum, filed in open court. hm
6-21	13.	Answers by def. to requests for admissions, and <u>ANSWERS</u> to interros. filed. rm
8-25	14.	Deft's motion to strike trial setting and continuance of trial of action, filed. ph
8-25	15.	Order, filed, that trial of 9-20-76 is stricken to be reset by Ct. (HDC-J)ph cps mld
8-31	16.	Pre-trial Order, filed. (HDC-J)rm- copies mailed
9-13	MO:	Case set for jury trial 1-10-77 at 9:30 a.m. (HDC-J)hm (notices mailed)
1977		
1-3	17.	Deft. New York Life Ins. Co.'s requested instructions and revised interrogatory to the Jury, filed. ph
1-5	18.	Pre-trial brief of deft. New York Life Ins. Co., filed. ph
1-5	19.	Requested Voir Dire of Deft. New York Life Ins. Co., filed. ph
1-6	20.	Pltf's requested instruction, filed. ph w/brief included.
1-6	21.	Deft's obj. to pltf's requested instructions, filed. ph
1-10	MO:	Case stricken from jury trial of this date due to weather conditions, and reset for 1-18-77 at 9:30 a.m., by agreement of parties. (HDC-J)hm
1-14	22.	Defs. appl. to amend requested instruction No. 2 to jury, filed. rm
1-14	23.	Amended Pre-trial Order, filed. (HDC-J)rm
1-19	24.	Deft's motion for directed verdict at close of pltf's case, filed. ph
1-19	25.	Deft's mo/directed verdict following deft's case, filed. hm
1-19	MO:	Jury trial held Jan. 18 & 19. Parties announce ready. Jury empaneled, admonished & sworn. John Elrod admitted to the Bar of this Court. Oath administered. Opening statements made. All jurors excused, w/exception of Mr. Walters, an alternate juror, who makes statement to Court of

## CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. <u>76-C-108-C</u>
			PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	
<u>1977</u>		<p>prejudice. Court excuses Mr. Walters for cause. Jury returned to box. Pltf. presents case in chief w/test. of witnesses and rests. Deft's mo/directed verdict at close of pltf's case overruled. Deft. presents case in chief w/test. of witnesses &amp; introduction of exhibits and rests. Pltf. presents rebuttal evid. w/test. of witness and rests. Parties rest. Deft's mo/directed verdict following deft's case overruled. Closing arguments made. Instructions given to the jury. Jury retires to deliberate at 4:30 p.m. on 1-19-77. Alternate juror excused. (5:40 p.m. Jury in box. Court answers question from jury. Jury retires to continue deliberating at 5:42 p.m.) Jury returns w/verdict at 6:00 p.m. on 1-19 finding in favor of the defendant. Verdict ordered received, read &amp; filed in open court. Judgment is entered in favor of the deft. Court recessed. (HDC-J)hm</p>	
1-19		Trial exhibits, filed. (with file)hm	
1-19	26.	Instructions to the Jury, filed in open court. (HDC J)hm	
1-19	27.	Jury verdict, filed in open court, finding for the deft. hm	
1-19	28.	Judgment on jury verdict, filed and entered, that judgment is entered for the defendant and against the plaintiff & that the deft. recover its costs of action. (JCS-Clk)hm (copies mailed)	
1-26	29.	Joint stipulation of waiver of right to motion for new trial and appeal and application for release of trial exhibits, filed.rm(0 to J)	
1-26	30.	Order, filed, that Clerk return to deft. exhibits entered into evidence during the trial; that so much of the Court's order of 1-19-77 as pertains to costs, is vacated and amended to reflect each party hereto bear its own costs. (HDC-J)ph cps mld	

PLAINTIFF	DEFENDANT	DOCKET NO. _____ PAGE ____ OF ____ PAGES
-----------	-----------	---

PAGE \_\_\_\_ OF \_\_\_\_ PAGES

## PROCEEDINGS